

**PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF MAY 25, 2004.**

**ATTENDANCE**

**COUNCIL:** Randy Menard – Chair (District 9), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

**ABSENT:** Rob Stevenson – Vice Chair (District 8)

**COUNCIL STAFF:** Norma Dugas (Clerk of the Council) and Anne Patin (Senior Administrative Assistant)

**ADMINISTRATIVE STAFF:** L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Becky Lalumia (Associate CAO/Finance Management), Gail Smith (Director of Administrative Services), Interim Chief Randy Hundley (Police Department), Chief Robert Benoit (Fire Department), Eleanor Lilly (Director of Planning, Zoning and Codes), Gerald Boudreaux (Director of Parks & Recreation), Terry Huval (Utilities Director), Tom Carroll (Public Works Director), Pat Ottinger (Legal Counsel), Tony Tramel (Director of Transportation)

**COMMENCEMENT**

(TAPE 1)(SIDE A)(000) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of May 25, 2004 to order.

(TAPE 1)(SIDE A)(001) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Bruce Conque was called upon to deliver the invocation and lead the Pledge of Allegiance.

The Chair then sent out condolences to Councilmember Rob Stevenson and his family on the death of his mother.

(TAPE 1)(SIDE A)(028) AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT’S REPORT**

President Durel recognized LUS Director Terry Huval. Huval announced that the Hurricane Tracking Charts are now available at designated locations in Lafayette Parish. The document contains vital information on preparing for and surviving a hurricane.

**ORDINANCES FOR FINAL ADOPTION – ZONING**

(TAPE 1)(SIDE A)(055) AGENDA ITEM NO. 4: O-069-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance and the official map of the City of Lafayette, providing for the annexation of additional land into the corporate limits of the City of Lafayette, Louisiana, Case No. Z2004-05 (A) Grand Pointe Annexation, located generally east and west of Kaliste Saloom Road, north of East Broussard Road, and east of the Vermilion River, which is located within Council Districts No. 7 and No. 8 for voting purposes, and assigning zoning classifications of R-2 (Multi-family Residential) and B-T (Transitional Business), motion to adopt as amended (amended to include legal description of annexed area) by Conque, seconded by Broussard.

Bouy explained that this is the master plan for the proposed Grandpoint Development, located at the terminus of Kaliste Saloom Road, passed Burdin Road, but before E. Broussard Road and extending back from Kaliste Saloom to the river. It is approximately 125 acres and the developers/owners are requesting annexation into the City Limits and zoning assignments of R-2 and B-T. These two zoning districts will provide for the proposed uses. This will include 266 multi-family units/apartments and 346 single-family units, along with commercial development on both sides of Kaliste Saloom Rd. Bouy added that the proposal presented to the Planning Commission and the recommendations from the Traffic & Transportation Department never had Burdin Road as an entrance for this development at all. The requirement at issue, and it’s still an issue, is a stub street to Burdin Road. The Council will look at this issue, at a later date, as an

appeal and the Council will look at the Burdin Road connection at the end of June.

Williams stated that he would vote against this annexation because of the disproportionate trend of Northside vs. Southside. The City of Lafayette is becoming landlocked on the northwestern side due to the efforts of Scott and Carencro. He urged Bouy to be more equitable in growth.

Upon questioning by Conque, Bouy explained that this annexation, including the stub-outs to Burdin Road, have been reviewed and adopted by the Planning Commission. The appeal will involve the ownership of property on the stub-outs from the Burdin Road property owners. Asst. City-Parish Attorney John Mouton added that Burdin Road is a servitude road and is private. Since it was maintained by the Police Jury in excess of three (3) years, it is public in terms that the government has the right to continue to maintain it. It has been maintained as a private road there is no 50-foot standard right of way. Conque then urged Bouy to develop an official annexation policy.

Mouton suggested that this issue be deferred until the return of Councilmember Stevenson.

Broussard expressed grave concern that there was only one avenue of ingress and egress. In the past, smaller subdivisions have not been approved for this same reason. Saying no to this annexation would send a message to developers. Bouy interjected that there are other access points for this subdivision through neighboring subdivisions.

The Chair then called for a vote on the motion, and the vote was as follows:

YEAS: Benjamin, Conque, Menard

NAYS: Badeaux, Bourgeois, Williams, Broussard, Mouton

ABSENT: Stevenson

ABSTAIN: None

*Motion failed.*

(TAPE 1)(SIDE A)(512) AGENDA ITEM NO. 5: O-102-2004 An ordinance of the Lafayette City-Parish Council amending the Comprehensive Zoning Ordinance, so as to reclassify the property of Drew Le Compte, Case No. Z2004-004 Drew Le Compte Property Rezoning, located generally west of Gordon Street and south of East Main Street, from R-2 (Multi-family Residential) to B-N (Neighborhood Business), motion to adopt by Broussard, seconded by Conque.

Bouy explained that the neighborhood is in opposition to this zoning. Their vision of the future of the neighborhood is residential development. The PZC staff was not entirely against this request because there were pods of commercial development either zoned or used on Stewart St., Main St. and Jackson. She reminded the Council that this is a request for a rezoning and not an appeal. The Zoning Commission only makes recommendations to the Council and they voted “no” to rezone.

Conque reminded that this is yet another example of an encroachment into a residential neighborhood. Even though there is already commercial development in the area, that does not support a move to add yet another commercial development. He stated he would vote “no” on the basis of protection for the established neighborhoods from commercial encroachment.

A substitute motion was offered by Benjamin to uphold the recommendations of the Planning Commission. Broussard withdrew his name from the original motion and seconded this motion. After much discussion, Benjamin withdrew the substitute motion.

Broussard again made the motion to adopt O-102-2004, seconded by Conque, and the vote was as follows:

YEAS: None

NAYS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Menard

ABSENT: Stevenson

ABSTAIN: None

*Motion failed.*

## **REPORTS AND/OR DISCUSSION ITEMS**

(TAPE 1)(SIDE B)(006) AGENDA ITEM NO. 6: Discussion

- a. Update on lawsuit regarding requirements of fencing as that pertains to O-363-1997 and

O-107-1998.

Broussard explained in 1997, an ordinance was adopted to protect the public from unsightly junkyards (requiring a fence). This ordinance sat dormant for some time and in 1998 this ordinance was challenged. O-107-1998 was then adopted. Now a junkyard exists that is using fabric instead of solid and rigid fencing, which is questionable. Broussard asked for reassurance from the Administration that the ordinance would be enforced as written. Durel assured Broussard the ordinance would be enforced.

Stanley explained that a letter went out saying the fabric might be allowable if the fabric is solid, if it is rigid and it has to withstand the wind load requirements of the ordinance. There is also a binding court order from Judge Duplantier to enforce the ordinance. If the material does not meet these three requirements, it is not in compliance with either the ordinance or the judge's order. A second letter has gone out to re-enforce these requirements.

**The following individuals were recognized:**

Angie Cloteaux, who lives on Des Jacques Road, stated she is located across the street from the junkyard. She listed the following problems: 1) an abandoned van, with no license plate, has been left in the street for over a month; 2) the fabric fence does not withstand the wind load requirement and has been down since the last hurricane, and 3) tires and mufflers have had to be removed from the ditches. She further stated that the owner has been notified numerous times but does not care.

Gary Ruddick, business owner on Des Jacques Road, reiterated Ms. Cloteaux's comments. He thanked John Mouton and Lenwood Broussard for their help over the years. He then urged the Council to take a stand because it's only going to get worse.

J. Randy Guilbeaux, owner/developer of 6 lots across the street from the salvage yard, stated there are problems with snakes and nutria. There are trees 8 to 10 foot high. There are numerous cars stacked in the salvage yard and there is no organization whatsoever.

Benjamin suggested that the Nuisance Ordinance be reviewed to see what part could be used against this business and then shut it down. Pat Ottinger reminded that a court order is in place and any violation of that order would be met with contempt. There is a team in place to address this issue comprehensively.

- b. Discuss St. Anthony Park drugs, prostitution and gambling.

Williams explained that several complaints were received, including illegal drug activity, prostitution, solicitation for drugs, and the children not being able to take advantage of the park. He asked for an update from Interim Chief Hundley. Major Simon reported the A.C.T.I.O.N. Unit has been patrolling and issuing citations. They will continue to monitor the area. Utilities have installed additional lighting for security in the park. Williams thanked all for the improvements.

**The following individual was recognized:**

Patrick Brasseaux stated that he was very familiar with drug activity and prostitution and that the people doing these activities are terrorists. People are afraid of reporting dealers because they are afraid of personal or physical damage. Although the cost is high, building a bigger and better police department would be a step in the right direction.

- c. Status of removed benches on Jefferson St. by Guama's.

Carroll stated that both benches have been returned to their original locations (after the Streetscape Project) on Jefferson Street.

- d. Willow St. traffic signal.

Tramel explained the following:

- A traffic snag on the eastbound lane on Willow Street at the southbound lane - a hardware/software problem was found and corrected.
- Traffic-signal timing on the Evangeline Thruway – the goal is to try to balance the

ideal of traffic volumes with the amount of green time, which is allocated. Traffic and Transportation is allocating those resources in proportion to the traffic demand that's located there. There are 18 intersections on the Evangeline Thruway. What is done at one intersection affects the other 17 intersections. It is a balancing act to get everyone through safely and efficiently. He added there are 200 traffic signals operating, \$18,000,000 has been invested in traffic signal equipment and there are 55,000 vehicles a day on the Evangeline Thruway. 150 different timing plans are implemented each day. He opined that this allows more advantage than ever thought of. He offered that if someone is having a problem at one of these intersections, they can contact his department; however, he reminded that whatever is done to that intersection affects the other 17.

Williams reminded Tramel that answers should be given to constituents in laymen's terms and with the utmost respect.

Benjamin requested that Tramel check the light at the intersection of Pinhook and the Evangeline Thruway.

- e. Solicitation of drugs in neighborhoods.

Williams deferred this item; however, he requested that the Police, Fire & Safety Liaison call a meeting with Sheriff Neustrom, District Attorney Mike Harson and the Administration to discuss it. Benjamin requested that the privatization of the Fire Department be added to the meeting for discussion.

**The following individual was recognized:**

Patrick Brasseaux stated that what is right and what is wrong is very clear. Prosecutors need to accept the charges, whether he will win or lose. If judges are making unclear decision, they need to be replaced. The intent of the law should not be misunderstood.

- f. Shenandoah Drainage Project and roadside ditches.

Menard stated this project has been ongoing for nearly 8 years. Recently, while working with F.E.M.A. on another project, this project was brought up and funding from F.E.M.A. became a possibility (in the amount of \$400,000). This project has been set up for bid four different times and then cancelled. He asked for a status report.

Carroll stated the plans have been finalized design-wise. He added that there is \$400,000 in the budget for this project and F.E.M.A. has stated this project is being assessed environmentally and the assessment should be complete in three weeks. It looks favorable at this time. As far as the easement acquisition of the outfall, the consultant has not provided those servitude maps, as yet, but Carroll will contact them tomorrow. He added the roadside ditches should be cleaned in the next 30 days.

**The following individual was recognized:**

Brent Romero reiterated that this project has been ongoing for eight years. Tom Carroll made a commitment and the project is moving forward. He then thanked Councilmembers Menard and Mouton for their help.

**COMMENTS FROM THE PUBLIC**

(TAPE 2)(SIDE A)(2) AGENDA ITEM NO. 7: Comments from the public on other matters.

Jack Franks, III, resident of Sandest Drive, addressed the Council regarding the garbage on Failla Road from Verot School Road to Country Lane, speeders on Failla Road, LUS' announcement to enter the cable/telephone business, and LPCC trustees cleaning the roadsides.

Col. Paul Broussard stated that on April 27, 2004, he was transported by Acadian Ambulance to Southwest Medical Center. He had requested to be transported to UMC. This was an emergency transport and a matter of life or death. Col. Broussard was advised to report this to the Emergency Medical Board, which has oversight over emergency vehicles.

Jenson McCoy, Cox Communications employee, urged the Council to reconsider LUS' option of

cable/telephone service. This would put many people out of work.

Donald Thacker, Cox Communications employee, asked what Cox Communications had done to LCG.

Cody Whittington, Cox Communications employee, requested that LCG use the funds for improvements to streets and drainage.

Steve Puckett, Cox Communications employee, requested that each Councilmember go into his district to see what his constituents want.

Mary Ann Ficaro requested a meeting with all parties involved in the para-transit grant to insure that the program continues.

C. Bodensteiner, resident of Holiday Gardens, urged the Council to alleviate the flooding problems in Holiday Gardens.

Jaywood Domingue, Holiday Gardens, did not wish to speak.

Harold Arceneaux informed the Council he had received information from Project Action – Easter Seals, which might be an avenue to fund the paratransit system. He would insure that the Traffic & Transportation Department received it.

Patrick Brasseaux addressed the Council regarding tall grass in ditches, property owners with deteriorating buildings on their property and individuals purchasing older homes to be used as boarding houses (boards drug dealers and prostitutes).

Shelby Williams addressed the Council urging them to keep the present qualifications for the new Police Chief, requested that Andrew Hebert receive the additional time to address the Council and stated that special treatment is given to certain people by the Police Department.

Andrew Hebert continued his comments from the April 27, 2004 meeting since the Council did not extend his time. His comments were regarding city and parish taxes.

At this point, the Chair made reference to the comments made during the meeting regarding LUS going into the cable business, etc. He stated for many years Cox Communications has been the only cable company and Bell South has been the only telephone company. He asked what is the difference between LUS going with cable and Cox Communications adding telephone service. He added that the proposed new services being offered by LUS would be paid for with bonds, not the General Fund. These bonds are strictly for LUS services and cannot be used for roads and bridges.

### **ADJOURN**

(TAPE 1)(SIDE B)(349) There being no further business to come before the Lafayette City-Parish Council, Chair Menard declared the meeting adjourned.

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NORMA A. DUGAS, CLERK  
LAFAYETTE CITY-PARISH COUNCIL